

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARTHA MATTHEWS,

*Plaintiff,*

V.

BANK OF AMERICA, N.A., as successor  
by merger to BAC HOME LOANS  
SERVICING, L.P., and FEDERAL  
NATIONAL MORTGAGE  
ASSOCIATION and PROSPER BANK,

*Defendants.*

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CASE NO. 4:13cv291  
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 23, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendant Prosper Bank's Motion for Judgment on the Pleadings [Doc. #17] be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that defendant Prosper Bank's Motion for Judgment on the Pleadings [Doc. #17] is GRANTED in part and Plaintiff's claims for violations of RESPA, breach

of contract, and negligent misrepresentation are DISMISSED as to Prosper Bank. The motion is denied as to the claim for fraudulent inducement.

So **ORDERED** and **SIGNED** on September 19, 2013.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge